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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,555	01/17/2002	Gordon Scott Mindrum	0103085-0519322	8685
26874	7590	04/18/2005	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,555

Applicant(s)

MINDRUM, GORDON SCOTT

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to the Amendment entered on January 28, 2005 for the patent application number 10/051,555.
2. This Application is a continuation of U.S. Application No. 09/016,825 filed January 30, 1998, which claims the benefit of U.S. Provisional Application No. 60/037,010 filed January 31, 1997.
3. The Information Disclosure Statement submitted on January 28, 2005 is considered and entered into the file.
4. Applicant canceled claims 1 through 38 and added new claims 39 through 64.

Claim Objections

5. Claim 46 objected to because of the following informalities: Numbering of claim 46 is shown twice in the claim section, as a result the Examiner renumbered claims 46-63 to read claims 47-64.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 39-40, 42, 44-47, 51, 52, 54-58, and 60-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Assisi (U.S. Pat. No. 5,696,488).

With regard to claims 39, 52 and 61:

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

a computer readable medium (6) comprising data representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62);

a processor (5) in communication with the computer readable medium (6), wherein the processor is operable to receive a request (via data cable 4) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus 3) located within the cemetery (see column 1, lines 63-column 2, lines 6, FIGURE) ;

a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person , wherein the transmitter is located at a transmission location within the cemetery (see Abstract, column 2, lines 15-22, FIGURE); and

a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery

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(see FIGURE), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, FIGURE).

With regard to claim 40:

Assisi further discloses that said computer readable medium (6) is located within the cemetery (see FIGURE).

With regard to claim 42:

Assisi further discloses that said deceased person has a grave site (see FIGURE) located within the cemetery, wherein at least one of the computer readable medium (6) or the transmission (2) location is located at or proximate to the grave site (see FIGURE).

With regard to claim 44:

Assisi further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (column 2, lines 16-22).

With regard to claim 45:

Assisi further discloses that said device (3) comprises a portable electronic device (Abstract, column 1, lines 52-62).

With regard to claim 46:

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Assisi further discloses providing the portable electronic device (3) to the user for a limited time (column 2, lines 3-6, column 2, lines 26-30).

With regard to claim 47:

Assisi further discloses that portable electronic device comprises at least one of a personal digital assistant (3) or a laptop computer (Abstract, column 1, lines 52-62).

With regard to claim 51:

Assisi further discloses that said at least a portion of the requested biographical information relating to the deceased person is transmitted to the device (3) wirelessly (Abstract, column 1, lines 52-62).

With regard to claim 53:

Assisi further discloses that said computer readable medium (6) is part of a computer system located within a cemetery office (7) located within the cemetery (see FIGURE, column 2, lines 15-22).

With regard to claim 54:

Assisi further discloses a grave site (see FIGURE) for the deceased person, wherein at least one of the computer readable medium (6) or transmitter (2) is located proximate to the grave site.

With regard to claim 55:

Assisi further discloses that said gravesite comprises a coffin (column 2, lines 12-15) wherein the at least one of the computer readable medium (6) or transmitter (2) is located in the coffin.

With regard to claim 56:

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Assisi further discloses that said grave site comprises a head stone (1), wherein the at least one of the computer readable medium (6) or transmitter (2) is located in the head stone (1).

With regard to claim 57:

Assisi further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (column 2, lines 15-22).

Assisi further discloses that said device comprises a portable electronic device (3) (Abstract).

With regard to claim 60:

Assisi further discloses that said transmitter (2) is operable to transmit the at least a portion of the requested biographical information relating to the deceased person to the device wirelessly (column 1, lines 52-62, column 2, lines 23-29).

With regard to claim 62:

Assisi further discloses that said transmitted biographical information relating to the deceased person is transmitted from a transmission (2) location within the cemetery (see column 1, lines 31-40, FIGURE).

With regard to claim 63:

Assisi further discloses that said device (3) is electronic and portable (Abstract, column 1, lines 52-63).

With regard to claim 64:

Assisi further discloses that said computer readable medium (6 and /or 6')

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comprises data representing biographical information relating to a plurality of deceased persons (column 2, lines 16-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41, 43, 48-50, 53 and 59 rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No. 5,696,488) in view of Evans, III (U.S. Pat. No. 5,732,231).

With regard to claim 48:

Assisi discloses a computer readable medium located (6) within a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 49:

Assisi also discloses a device comprises a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 50:

Assisi also discloses said transmission (2) location comprises a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 59:

Assisi further discloses Control Storage Chamber (7) located within the cemetery, wherein the Control Storage Chamber (7) comprises at least one of the computer readable medium (6), the transmitter (2), or the device (3) (see FIGURE).

In the above claims, While Assisi discloses Control Storage Chamber (7) centrally located within the cemetery (column 2, lines 16-22), but Assisi does not expressly describe such Central Storage Chamber as a kiosk , which is required in claims 48-50 and 59.

Furthermore, while Assisi discloses a computer readable medium storage (6) and transmission (2) located with a cemetery, but Assisi does not expressly disclose cemetery office located in the cemetery as required by claims 41, 43 and 53.

However, Evans III (Evans) discloses an apparatus located in a funeral establishment (funeral home or cemetery office column 1, lines 60-63) for displaying information about a deceased person, wherein information is presented to the user in terminal display designed in a kiosk fashion (Figs. 2-4, column 2, lines 50-67, column 3, lines 42-67).

Evans and Assisi are analogous art because they are from the same field of endeavor, presenting information about a deceased person.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the control storage chamber (7) of Assisi with the *terminal display* of Evans because such *terminal display* at least allows entry or retrieval of information about the deceased from distant sites (e.g., Internet) so family members

and others unable to visit the deceased can have information (Evans, column 2, lines 14-20).

Therefore, it would have been obvious to combine Assisi with Evans to obtain the invention as specified in claims 41, 43, 48-50, 53 and 59.

Response to Arguments

7. Applicant's arguments with respect to claims 39-64 have been considered but are moot in view of the new ground(s) of rejection.

CONCLUSION

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

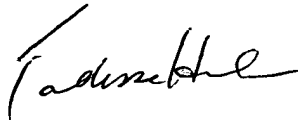
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

10. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173 - Operator Interface
4/4/05

A handwritten signature in black ink, appearing to read 'Tadesse Hailu', is written over the typed name and title.